

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

WALMART INC. and WALMART STORES TEXAS, LLC,
Petitioner,

v.

RAVENWHITE SECURITY, INC.,
Patent Owner.

IPR2025-00810
Patent 10,594,823 B2

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

Ravenwhite Security, Inc. (“Patent Owner”) filed a request for discretionary denial (Paper 12, “DD Req.”) in the above-captioned case, and Walmart Inc. and Walmart Stores Texas, LLC (“Petitioner”) filed an opposition (Paper 16, “DD Opp.”). With authorization, Patent Owner filed a Reply (Paper 17), and Petitioner filed a Sur-reply (Paper 18).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in this proceeding. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, Petitioner was served with a complaint alleging infringement of the challenged patent on September 15, 2023. DD Req. 12. Petitioner waited until March 28, 2025 to file this Petition, more than eighteen months later. Thus, Petitioner is time-barred under 35 U.S.C. § 315(b) from filing a petition. Petitioner seeks to join a recently instituted *inter partes* review filed by Home Depot U.S.A., Inc. Paper 3 (motion to join to IPR2024-01316). However, petitions filed by time-barred parties should proceed only in exceptional circumstances. *Realtek Semiconductor Corp. v. ParkerVision, Inc.*, IPR2025-00324, Paper 11 at 3 (Director June 25, 2025). Petitioner does not persuasively demonstrate exceptional circumstances here. For example, Petitioner argues that Patent Owner requested consolidation of its district court proceedings against Petitioner and Home Depot; that an initial district court proceeding was dismissed for standing, causing delays; and that the parallel district court proceeding is stayed. Paper 18, 3. However, Petitioner fails to persuasively demonstrate that these circumstances are exceptional and justify the joinder of a time-barred party. Accordingly, discretionary denial is appropriate under these circumstances.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petition is denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for discretionary denial is *granted*; and

FURTHER ORDERED that the Petition is *denied*, and no trial is instituted.

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